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09/557,149	04/25/2000	Steven J. Yohanan	15-4-296.53	9307

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EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 12/29/2003

26

Please find below and/or attached an Office communication concerning this application or proceeding.



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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 26

Application Number: 09/557149

Filing Date: 7/9/1999

Appellant(s): Yohanan

MAILED
DEC 29 2001
Technology Center 2100

Brian Pangerle

For Appellant

Art Unit: 2174

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/14/03.

1. A statement identifying the real party in interest is contained in the brief.
2. A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.
3. The statement of the status of the claims contained in the brief is correct.
4. The appellant's statement of the status of amendments after final rejection contained in the brief is correct.
5. The summary of invention contained in the brief is correct.
6. The appellant's statement of the issues in the brief is correct.
7. Appellant's brief includes a statement that claims 3-12 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

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8. The copy of the appealed claims contained in the Appendix to the brief is correct.
9. The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5799318	Cardinal et al	8/25/1998
5838906	Doyle et al	11/17/1998

Claims 3-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinal et al in view Doyle et al. This rejection is set forth in prior Office Action, Paper No. 22.

(11) Response to Argument

Regarding appellant's statement of temporal perspective, it is respectfully reminded that the patents over which the current 103 rejection was made date back to well before January of 1995, and thus the timing of obviousness is temporally consistent.

Regarding Group I: Appellant is reminded to look back at the aforecited passages in Cardinal et al, especially column 10 lines 34-60 which discuss selecting icons to launch applications. There are menu options in the item browser, but that is one of them. As for appellant's remark that this browser does not access websites, Examiner is not denying that. That is why the Doyle et al reference was needed as evidence in addition to Cardinal et al, in the form of a 103 based combination. The Doyle et al reference does indeed mention accessing the web, links to the web (column 9 lines 50-65 as just one example) in a browser environment. Appellant's concern in arguing if the combination were proper restates the argument that Cardinal et al do not mention the website, but again that is not the basis of motivation. The motivation to combine references lies in convenient resources to which data objects may be linked - both references have

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that. Then Doyle et al shows a convenient example of the resource being the web. Cardinal et al show the launching of the browser which links to data objects, and Doyle et al show the links to the web. The teachings of both references thus may be used to modify each other.

Regarding Group II: Once again, whether the browser in Cardinal et al is a web browser is not relevant, per the reasoning given above. Also, regarding the Doyle et al reference, please note that an already executing browser which then accesses a website based on a separate file being selected via an icon is in fact what claim 4 recites. The combination of Cardinal et al and Doyle et al, which have the browser already executing, and then selects a separate file calling up the specific view, in fact shows this. Even if this may be considered the viewer as selecting the separate file in the already executing browser, this still fulfills the claim and is a valid interpretation.

Regarding Group III: Once again, whether the browser in Cardinal et al is a web browser is not relevant, per the reasoning the given above. Also, the extensive tracking ability need not be the motivation to combine the Doyle et al reference. The network is inherent in the Internet and web of Doyle et al. The separate view and object may in fact be a separate file from the browser.

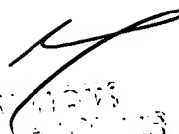
Regarding Group IV: The Cardinal et al reference mentions the E-mail message, as acknowledged by appellant. The combination then remains the same to thus bring out the other features as recited.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

Steven P. Sax




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ATTORNEY AT LAW

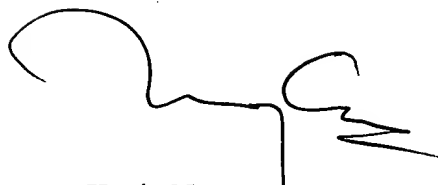
December 6, 2001

Conferees

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